

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** Chairman Art Noonan, on March 6, 2009 at 3:04  
P.M., in Room 172 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Art Noonan, Chairman (D)  
Rep. Robyn Driscoll, Vice Chairman (D)  
Rep. Harry Klock, Vice Chairman (R)  
Rep. Shannon Augare (D)  
Rep. Carlie Boland (D)  
Rep. Mike Jopek (D)  
Rep. Gary MacLaren (R)  
Rep. Keith Regier (R)  
Rep. Brady Wiseman (D)

**Members Excused:** None

**Members Absent:** Rep. Llew Jones (R)  
Rep. Jesse O'Hara (R)  
Rep. Mike Phillips (D)  
Rep. Scott Reichner (R)  
Rep. Wayne Stahl (R)

**Staff Present:** Bryce Bennett, Committee Secretary  
Todd Everts, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 376; SB 387

Executive Action: HB 491; SB 33; SB 376

**HEARING ON SB 387**

**Opening Statement by Sponsor:**

00:01:50 Sen. Keith Bales (R), SD 20, opened the hearing on SB  
387, Revise laws related to the Board of Environmental  
Review.  
00:02:46 Rep. Stahl arrived.

**Proponents' Testimony:**

00:08:03 Candace Payne, Southern Montana Electric Generation  
and Transmission Cooperative  
00:08:10 Rep. Phillips arrived.  
00:13:47 Steve Wade, Carpenter Creek LLC/ Carbon County Holdings  
LLC  
00:15:53 Don Allen, Western Montana Trade Association (WETA)  
00:19:23 William Duffield, Executive Director, Montana  
Association of Oil, Gas, and Coal Counties  
00:21:27 Haley Beaudry, Columbia Falls Aluminum Company  
00:22:27 Leo Berry, Great Northern Property/ Great Northern  
Property Development  
00:23:10 Keith Allen, International Brotherhood of Electrical  
Workers (IBEW) - Local #233  
00:24:15 Dan Flynn, IBEW - Local #44  
00:24:30 Cary Hegreberg, Montana Contractors Association

**Opponents' Testimony:**

00:26:31 Evan Barrett, Chief Business Officer, Office of the  
Governor - Department of Economic Development  
00:29:54 Anne Hedges, Montana Environmental Information Center  
(MEIC)

**EXHIBIT (feh50a01)**

00:35:42 Wade Sikorski, self

**EXHIBIT (feh50a02)**

00:37:20 Jonathan Matthews, self

**EXHIBIT (feh50a03)**

00:41:27 Zack Porter, self  
00:42:41 Sarah Cobler, Montana Conservation Voters (MCV)  
00:45:06 Chuck Magraw, Natural Resources Defense  
Council/Renewable Northwest Project  
00:49:16 Janet Ellis, Montana Audubon  
00:50:56 Matt Leow, Northern Plains Resource Council

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**Informational Testimony:**

00:52:44 Dave Klemp, Air Resources Management Bureau, Department  
of Environmental Quality

**Questions from Committee Members and Responses:**

00:53:04 Rep. Phillips  
00:53:43 Sen. Bales  
00:54:38 Rep. Phillips  
00:55:04 Sen. Bales  
00:56:40 Rep. Phillips  
00:57:33 Sen. Bales  
00:58:34 Rep. Phillips  
00:58:55 Sen. Bales  
01:00:23 Rep. Phillips  
01:00:40 Sen. Bales  
01:01:43 Rep. Regier  
01:01:59 Sen. Bales  
01:02:21 Chairman Noonan  
01:03:34 Sen. Bales  
01:03:57 Chairman Noonan  
01:04:40 Sen. Bales  
01:06:32 Chairman Noonan  
01:07:18 Sen. Bales  
01:07:49 Chairman Noonan  
01:08:19 Sen. Bales  
01:08:34 Chairman Noonan

**Closing by Sponsor:**

01:09:01 Sen. Bales

**HEARING ON SB 376**

**Opening Statement by Sponsor:**

01:11:38 Sen. Jerry Black (R), SD 14, opened the hearing on SB  
376, Revise public utility laws.

**Proponents' Testimony:**

01:13:24 John Fitzpatrick, Northwestern Energy  
[EXHIBIT \(feh50a04\)](#)

**Opponents' Testimony:** None

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**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:15:10 Sen. Black

**EXECUTIVE ACTION ON SB 376**

01:16:15 **Motion:** Rep. Stahl moved that **SB 376 BE CONCURRED IN.**

01:16:27 **Vote:** Motion carried unanimously by voice vote.  
Rep. Jones and Reichner voted by proxy. Rep. Stahl will  
carry the bill in the House.

**EXECUTIVE ACTION ON HB 491**

01:17:30 **Motion:** Rep. Wiseman moved that **HB 491 DO PASS.**

**Discussion:**

01:17:38 Rep. Wiseman

01:18:15 **Motion:** Rep. Wiseman moved that **HB 491 BE AMENDED.**  
**EXHIBIT**(feh50a05)

**Discussion:**

01:18:24 Rep. Wiseman

01:21:29 Rep. Phillips

01:21:53 Rep. Wiseman

01:22:22 **Vote:** Motion failed 7-7 by roll call vote with Rep.  
Augare, Rep. Boland, Rep. Driscoll, Rep. Jopek, Rep.  
Noonan, Rep. Phillips, and Rep. Wiseman voting aye.  
Rep. Jones and Rep. Reichner voted aye by proxy.

01:23:49 **Vote:** Motion failed 5-9 by roll call vote with Rep.  
Augare, Rep. Jopek, Rep. Noonan, Rep. Phillips, and  
Rep. Wiseman voting aye. Rep. Jones and Rep. Reichner  
voted by proxy.

01:24:54 **Motion:** Rep. Klock moved that **HB 491 BE TABLED.**

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01:25:00 **Vote:** Motion carried 11-3 by voice vote with Rep. Noonan, Rep. Phillips, and Rep. Wiseman voting no. Rep. Jones and Rep. Reichner voted by proxy.

**EXECUTIVE ACTION ON SB 33**

01:26:00 **Motion:** Rep. Klock moved that **SB 33 BE CONCURRED IN.**

**Discussion:**

01:26:13 Todd Everts, Legislative Services Division (LSD)

01:28:01 **Motion:** Rep. Noonan moved that **SB 33 BE AMENDED.**  
**EXHIBIT**(feh50a06)

**Discussion:**

01:28:12 Rep. Phillips

01:28:33 Mr. Everts

01:29:08 Chairman Noonan

01:29:15 Rep. Phillips

01:29:23 **Vote:** Motion carried 13-1 by voice vote with Rep. Phillips voting no. Rep. Jones and Reichner voted by proxy.

01:29:41 **Motion:** Rep. Phillips moved that **SB 33 BE TABLED.**

01:29:54 **Vote:** Motion failed 7-7 by roll call vote with Rep. Augare, Rep. Boland, Rep. Driscoll, Rep. Jopek, Rep. Noonan, Rep. Phillips, and Rep. Wiseman voting aye. Rep. Jones and Rep. Reichner voted aye by proxy.

01:30:57 **Vote:** Motion failed 7-7 by roll call vote with Rep. Klock, Rep. MacLaren, Rep. O'Hara, Rep. Regier, and Rep. Stahl voting aye. Rep. Jones and Rep. Reichner voted by proxy.

**Discussion on SB 387 and HB 483:**

01:32:18 Chairman Noonan

01:33:23 Rep. O'Hara

01:33:28 Chairman Noonan

01:36:17 Rep. Regier

01:36:31 Chairman Noonan

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**ADJOURNMENT**

01:37:29 Adjournment: 4:33 P.M.

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Bryce Bennett, Secretary

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Additional Documents:

**EXHIBIT ([feh50aad.pdf](#))**